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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,473	07/15/2003	Didier Barody	A35900-PCT-USA-A 070337-0	8622
21839	7590	03/18/2005	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			KNABLE, GEOFFREY L	
POST OFFICE BOX 1404			ART UNIT	
ALEXANDRIA, VA 22313-1404			PAPER NUMBER	
			1733	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/620,473	Applicant(s) BARODY, DIDIER	
	Examiner Geoffrey L. Knable	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-20-2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Re

1. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, no antecedent has been established for "the guide-roller-receiving recess" or "the guide roller" – it seems this claim (or claim 5 to provide antecedent for "the adjustment device") should depend from claim 4 to avoid this ambiguity.

In claim 7, no antecedent has been established for "the cam", "the cam recesses" or "the guide roller" – it seems this claim should depend from claim 4.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Brey (US 3,038,526) or Winslow (US 3,366,526) or DE 2300330 to Dunlop.

Brey discloses a tire building drum including a "barrel" (e.g. 25) as well as drum shoulders adapted to accommodate the beads (e.g. col. 7, lines 2-17) and hold them in position relative to the rest of the tire being built. Further, the drum includes plural plates (16/17) defining a receiving surface for the carcass, the plates being connected to the "barrel" at what can be termed a clevis (69) that allows pivotal movement about an axis parallel to the axial drum direction and for displacement between expanded and retracted drum positions. Further, means (e.g. 50/52/68) on the radially inner side of the plates function to position the radially outer surface of each plate in cooperation with

inner guide surfaces (e.g. 28 in fig. 3) of the adjacent plate and also provide tilting about 68. This reference is therefore considered to anticipate claim 1.

Winslow discloses a tire building drum including a "barrel" (21) as well as drum shoulders 12/13 adapted to accommodate the beads (e.g. col. 2, lines 44-47) and hold them in position relative to the rest of the tire being built. Further, the drum includes plural plates (11) defining a receiving surface for the carcass, the plates being connected to the "barrel" (21) with means 40/50 at what can be termed a clevis (44/46) that allows pivotal movement about an axis parallel to the axial drum direction and for displacement between expanded and retracted drum positions. Further, the means 44-46 on the radially inner side of the plates cooperate to guide adjacent plates and thereby position their radially outer surface at the desired radial location and also provide tilting about 45. This reference is therefore considered to anticipate claim 1.

DE '330 discloses a tire building drum including a "barrel" (23) as well as means (16) for holding the beads. Further, the drum includes plural plates (5/55 in fig. 7-10) defining a receiving surface for the carcass, the plates being connected to the "barrel" (23) with means (11) at what can be termed a clevis (6) that allows pivotal movement about an axis parallel to the axial drum direction and for displacement between expanded and retracted drum positions. Further, radially inner surfaces (56 in fig. 8 and 10) of the plates cooperate with guide surfaces of adjacent plates to thereby position their radially outer surface at the desired radial location and also a relative tilting movement at "6" would seem to occur during retraction (i.e. from fig. 8 to fig. 10). This reference is therefore considered to anticipate claim 1.

As to claim 5, insofar as each reference provides a mechanism to expand and retract the drum, the means that permits this operation of the drum is considered to necessarily permit small adjustment as claimed (e.g. by simply expanding to slightly lower values).

4. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the closest prior art would reasonable teach or render obvious a shaping drum as specifically defined in claim 1 with the additional specified arms of claim 2 (it being noted that although the applied references provide arms, they are operable with relative rotation and therefore are not configured or operable as defined in claim 2), or the additional specified guide means of claim 3.

5. Claims 6-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims, these claims being read as if they substantively depended upon claim 4 insofar as they clearly refer to elements only defined in this claim.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim et al. (US 4,126,507) discloses a tire building drum including abutments (48 in fig. 7) that contact and thereby "guide" adjacent drum sectors when in the expanded state. This reference is however less relevant than the applied prior art as it does not

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teach or suggest a clevis, the clevis being coupled to the displacement means and cooperating with the guide means in the claimed manner.

7. Note: JP 49-13629 has been crossed off from the 10-20-2003 form PTO-1449 as an incomplete copy (only two drawing pages) was received and a copy is not readily available to the examiner.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
March 16, 2005